

REMARKS

The Election/Restriction Requirement

The Examiner has withdrawn the previous Election/Restriction Requirement in light of applicants' amendments and made another Election/Restriction Requirement.

The Examiner has required restriction of the subject matter in the claims of this application under 35 U.S.C. § 121 into one of the following groups:

Group I: Claims 1-2, and 9-10, as they pertain to chronic renal diseases, and claims 3-4 and 8, drawn to a method of treating degenerative chronic renal disease that is ROS induced by inhibiting the gamma-GT activity in a subject.*

Group II: Claims 1-2, and 9-10, as they pertain to degenerative chronic inner ear condition or injury, and claims 5-7, drawn to a method of treating degenerative chronic inner ear condition or injury by inhibiting the gamma-GT activity in a subject.

The Examiner, however, also acknowledges that upon allowance of a generic claim, applicants will be entitled to consideration of claims to additional species which are

* Applicants believe that the Examiner's inclusion of claim 8 in Group I was made in error, as claim 8 is directed towards a specific inner ear degenerative condition, which is the subject matter of Group II.

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written in dependent form, or otherwise include all the limitations of an allowed generic claim, as provided by 37 C.F.R. §1.141.

Applicants elect the subject matter of Group I for further prosecution in this application. Claims 1-4, and 9-10 recite the elected group, generally or specifically.

Applicants also elect, with traverse, the specific inhibitor AT-125 (Acivicin) for further prosecution. Applicants believe that the restriction of the inhibitor to a compound, without its derivatives, is improper. Examination of said derivatives would not constitute an undue search burden. With the above-identified species election, claims 1-4 and 9 recite the elected inhibitor.

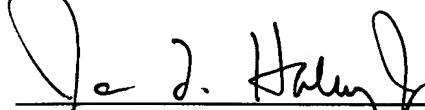
Consistent with these elections, applicants have withdrawn claims 5-7 and 10 and amended claims 2 and 9.

Applicants make these elections expressly without waiver of their right to file for and obtain claims directed to the non-elected subject matter in divisional or continuing applications claiming priority and benefit herefrom. Subject to allowance of a generic claim in this application, applicants also reserve the right to rejoin or to add other claims depending from or otherwise including all the limitations of an allowed generic claim in this application.

Applicants request favorable consideration and early allowance of the elected claims.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "James F. Haley, Jr.", written over a horizontal line.

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